

Licensing News And Views

A publication of the Bureau of Licensing, Health Facility Unit
Utah Department of Health, Division of Health Systems Improvement

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What's New in Licensing?

GONE FISHIN'...

Mark Martin, long time Bureau Licensing Specialist, has accepted a position with the Department of Agriculture monitoring the State fish population. (Yes, he's gone fishing!) The Bureau wishes him well in his new career and offers a resounding thanks for his service to the providers and residents in facilities in Utah. Mark — you will be missed!



NEW EMPLOYEE...

Jarad Nielson has joined the support staff in the Bureau of Licensing. Jarad comes to us from the Department of Environmental Quality. He had worked there for two and half years in the Administrative Services (Accounting) section as an Office Tech II. He is proving to be an asset to our bureau! Welcome aboard Jarad!



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Y2K CLEARINGHOUSE CREATED

The Department of Health and Human Services and Veterans Affairs are creating an on-line database to provide health care providers and patients with timely information about the potential impact of the year 2000 date change on specific biomedical equipment.

The database will help identify which medical equipment is Y2K compliant and which may have problems or may fail on Jan. 1, 2000. Data included in the website is restricted to publicly releasable information provided directly by medical device manufacturers to members of the clearinghouse.

Under the agreement, the Food and Drug Administration and the Veterans Health Administration are responsible for the design, development, implementation and maintenance of the clearinghouse. The website address is:
www.fda.gov/cdrh/yr2000/year2/7000/html.

PROSTATE CANCER WEB SITE

Zeneca Pharmaceuticals has launched a new prostate cancer educational web site for individuals and medical professional looking for more information about prostate cancer. The new website is located at:
www.prostateinfo.com. In addition, printed educational material is offered free of charge.

JCAHO COMPLAINT HOTLINE

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has established a toll free hotline to encourage patients, their families, caregivers and others to share concerns regarding quality of care issues at accredited health care organizations. The toll free number is 1-800-994-6610. The hotline will be staffed between 8:30 a.m. to 5:00 p.m., central time, during weekdays.



Health Facility Committee Meeting February 26, 1999

New Committee Members: New Committee members Joyce Wanta and Glade Bigler were introduced to Committee members.

Sanction Actions:

1. Brookside Private Care AL I – a revocation of license order was issued effective 1-5-99 requiring the discharge of all residents & return of the facility license by 2-4-99. The closure is based on failure to meet the conditions of the conditional license issued 8-5-98.
2. Olsten Certified Healthcare Corp dba Olsten Health Services HHA - a conditional license was issued effective 1-6-99 through 4-6-99 based on four time repeat violations of certification standards. A ban on admissions was implemented and then subsequently removed 2-18-99 based on action taken by the agency to correct.

Subcommittee Assignments:

1. **Caregiver Ratios** - Kathleen Fitzgerald volunteered to chair the subcommittee with Steve Anderson and Carol Bloswick to serve as committee members.
2. **End of Life Coordination** - Helen Rollins offered to chair this committee with Travis Jackman, Gayle Morawitz and Kathy Siskin as committee members. Recruitment letters will be sent to all associations requesting submission of candidate names.

Rule Revisions:

1. **R432-2:** The revisions were presented to the Committee for approval. A motion was made to accept the revisions as presented. The motion **PASSED** unanimously.
2. **R432-3:** The revisions were presented to the Committee for approval. A motion was made to accept the revisions as presented. The motion **PASSED** unanimously.
3. **Other Rule Updates:** Wendee Pippy reported on the following rules:
 - R432-300 Small Health Care Facility Type N effective 2-25-99.
 - R432-150 Nursing Care Facility effective 2-25-99.
 - R432-1 General Definitions effective 12-14-98.
 - R432-6 Assisted Living Construction effective 1-29-99.
 - R432-270 Assisted Living Rules effective 1-29-99.

Y2K in Health Care Facilities:

Bruce Murray of the Utah Hospital Association distributed a handout from the American Hospital Association. The handout estimates two thirds of the

nations hospitals will experience some form of system failure from Y2K. The study is available on the internet at: www.aha.org/y2k/surveysummary.html. Joan Gallegos of the Utah Health Care Association reported that the UHCA has been working with long term care providers to implement Y2K changes as needed. Randy Fisher of the Utah Department of Health reported that the Department will be compliant by year 2000. HCFA has asked Medicare to be ready by 03-31-99. A motion was made to draft a letter of reminder to all licensed health care facilities and agencies to be in Y2K compliance. A copy of the letter will be mailed to the DOH Executive Director and to the Governor. The motion **PASSED** unanimously.

Issue Papers:

1. **BCI Denials for Health Care Employees** - Debra Wynkoop-Green discussed the changes to the BCI statute as the residency issue was clarified. In addition, a new employee must submit BCI information to the Bureau within 10 days of hire. A motion was made to accept and continue the Bureau process on BCI screening and appeals. The motion **PASSED** unanimously.
2. **Small Health Care Facilities Type N** - Doug Springmeyer, UDOH legal counsel, requested that the Committee review whether this category is a "safe" facility in regards to level of care and amount of scrutiny and oversight provided by the Bureau. David Eagar presented a history of the category including current numbers and state-wide distribution of facilities. Discussion followed on whether or not this category should be continued as a licensing category. The decision was made by the Committee to put this issue on the next meetings agenda. A list of all current Type N providers will be mailed to Committee members.
3. **Computer Records at Hospitals** - Sharon McCombs presented the issue of patient records being partially hard copy and partially computer stored. The issue of discharged patient records was discussed specifically. The Committee concurred that medical records should be complete and brought together in one format within 30 days of a patient's discharge. This is consistent with Medicare and JCAHO standards. The issue of electronic records will continue to be studied as facilities and agencies move to more electronic forms of records.
4. **Home Health Agency Medicare Subunit Designation** - David Eagar presented the issue paper to the Committee. New Medicare requirements will force some currently licensed home health agency branches to

become subunits independent of the parent facility. A motion was made to allow subunits to request a variance to remain licensed as a branch or satellite to the parent agency. Debra Wynkoop-Green requested that each subunit designate an administrator to be on-site. The motion **PASSED** unanimously.

Legislative Update:

1. **SB 48 Access to Health Care Facilities** - may add two additional members to the Committee.
2. **SB 47 Zoning of Health Care Facilities** -clarifies that assisted living facilities are not residential facilities for the elderly.
3. **SB 194 Background Checks for Health Care Facilities** - Amends residency status.
4. **SB 39 Office of Public Guardian** - provides for a guardian of last resort.

The next HFC meeting will be held on April 30, 1999, at 9:00 a.m. in the Cannon Health Building.

***** BCI PROCESS NOTIFICATION *****

ATTENTION : Administrators of Home Health, Hospice, Nursing Care, Assisted Living Type I & II, Small Health Care and End Stage Renal Disease facilities.

When processing Criminal Background clearances they must be sent directly to:

Department of Health, Bureau of Licensing
PO Box 142003
Salt Lake City UT 84114-2003

Effectively immediately, please discontinue sending any forms, fingerprints, or fees directly to the Department of Public Safety for FBI clearances. They have been receiving a number of requests to process FBI clearances and are unable to complete these requests.

If your facility is licensed in any of the categories listed above, please destroy *all* forms (with exception of blank blue fingerprint cards) that pertain to Public Safety, Bureau of Criminal Identification. Use only forms from the Department of Health, Bureau of Licensing for obtaining Criminal Background clearance approval.

Please inform your Human Resource personnel or the individual responsible for processing clearances

in your facility of this information. If they have any questions regarding the procedure, have them call me, Donna Riley, at 801-538-9287 or toll free at 1-888-287-3704. Your immediate attention to this matter will be greatly appreciated.

FIRE EXTINGUISHER UPDATE



State law effective September 1, 1998 (reference: R710-1-8.5, Public Safety, Fire Marshal) requires that Class K labeled portable fire extinguishers shall be provided for the protection of commercial food heat producing equipment using vegetable or animal oils and fat cooking media (deep fat fryers). A sign shall be placed above the Class K portable fire extinguisher stating that if a fire protection system exists, it shall be activated and allowed to fully discharge prior to use of the Class K portable fire extinguisher. Staff shall be trained on how to use the Class K portable fire extinguishers.

Those existing sodium or potassium bicarbonate dry-chemical portable fire extinguishers, having a minimum rating of 40-B, and specifically placed for protection of commercial food heat-processing equipment, shall be allowed to remain in use until July 1, 1999, and then shall be replaced with a Class K rated portable fire extinguisher.

If a fire should start in a deep fat fryer, the fire department must be contacted and people evacuated from the building. If you have any questions please contact the State Fire Marshal's Office or Craig Christopherson at 801-538-6327.

RETAINING DEEMED STATUS

The Utah Department of Health may grant licensing deemed status to facilities accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or Community Health Accreditation Program (CHAP) in lieu of the annual licensing inspection by the Department. The Department may also revoke a facility's deemed status if the conditions outlined in R432-3-3 are not met. These conditions include submission of all survey reports, recommendations, and progress reports of all corrective actions underway or completed in response to the accrediting body's action or Department



recommendations.

As part of the annual license renewal process, licensees identify on the Request for Agency Action/Application its desire to initiate deemed status, continue deemed status, or relinquish deemed status during the licensing year of application. Licensing rules state that this request constitutes a written authorization for the Department to attend the summation conference.

The JCAHO provides the Bureau of Licensing with list of accredited hospitals scheduled to be surveyed each month. **Because this list does not include initial applications for accreditation or all categories of health facilities granted deemed status in Utah, we request that all licensed facilities with deemed status call the Bureau of Licensing prior to all JCAHO surveys so arrangements can be made for Bureau representation at the summation conference.**

In most cases, the Bureau accepts the regular JCAHO processes for correcting identified Type 1 Recommendations. However, because of the sometimes lengthy time frames inherent in the JCAHO survey process, the Bureau may issue a Statement of Findings on identified problems determined to be serious enough to require immediate correction. If you have questions, please call Craig Christopherson at 538-6327.

REPORTING REQUIREMENTS FOR NURSING CARE FACILITY RESIDENTS WITH A PSYCHIATRIC DIAGNOSIS

Nursing care facilities are required to report to the Department those residents with a psychiatric diagnosis. It has come to the attention of the Bureau that facilities may not be reporting private pay residents or Medicaid residents billed through another state (Nevada). Facilities who identify 40% or more resident population as having a psychiatric diagnosis may be required to submit a Utah Level of Care Survey (ULOCs) to the department in accordance with R432-151-3(4).

Please review your facility reporting process to insure that all resident psychiatric diagnosis are reported as required. If you have questions, please contact Isabella Dodge at (801) 538-6594.



DEFICIENCY FREE SURVEYS

The following facilities and agencies received deficiency free health and life safety surveys from either the Bureau of Licensing, or the Bureau of Medicare/Medicaid Program Certification and Resident Assessment:

January 1999 to March 1999

*Beaver Valley Home Health Agency
Olsten Health Services
Alpine Home Health
Utah Women's Health Center
Terrace Grove Assisted Living (Type II)
Rosebriar Manor
Kane County Hospital Home Health
Harmony House Residential*



C O N G R A T U L A T I O N S ! ! !

FOUR SMALL UTAH HOSPITALS RANKED BEST IN NATION

Four Utah hospitals are among the top 20 small hospitals in the country, according to a national survey released in December 1998.

Alta View Hospital in Sandy, Valley View Medical Center in Cedar City, American Fork Hospital and Castle View Hospital in Price were lauded in the reported, conducted by New York-based HICA Inc. and William M. Mercer Inc., two national healthcare research organizations.

"The Top 100 Hospitals – Benchmarks for Success" study looked at all the hospitals in the country to come up with the winners, based on eight measures of clinical quality practices, operations and financial management. The four hospitals fell into the category of 25 – 99 beds, among the 20 hospitals that made the overall top 100 list.



This is the sixth year the study was conducted. American Fork Hospital was ranked in the top for the second year in a row and the third time since the study began. Alta View also has made the list in 1998 and 1996. Valley View and Castle View appeared on the list for the first time.

CLASS I FOOD RECALL

The following is a Class I food recall that affects Utah.

Thorn Apple Valley, Dixie Food Division is recalling all ready-to-eat consumer packaged products in distribution identified with Establishment 13529 or Establishment P13529 in the USDA Inspection legend or anywhere on the package. These products were produced between July 6, 1998 and December 30, 1998. An estimated 1.5 million pounds of product have been distributed nationwide since November. For more information on this recall or about the Food Recall program, please contact Bill Eminger, Food Protection Program Manager at (801) 538-6755.



FEDERAL ACTIONS

Access Guidelines; Detectable Warnings

The Architectural and Transportation Barriers Compliance Board, the Department of Justice (DOJ), and the Department of Transportation (DOT) issued a rule continuing the suspension of the detectable warning requirements for curb ramps, hazardous vehicle areas, and reflecting pool edges in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Standards for Accessible Design to July 26, 2001. The Access Board plans to issue a separate notice of proposed rulemaking to revise and update ADAAG and will address detectable warnings in that rulemaking. The DOJ and DOT will issue separate notices of proposed rulemaking to revise and update the Standards for Accessible Design, which must be consistent with ADAAG. The agencies are continuing the suspension of the warning requirements to July 26, 2001, when it is expected that the rulemaking to revise and update ADAAG and the Standards for Accessible Design will be completed. 63 Fed. Reg. 64836, addressing 28 C.F.R. Part 36, 35 C.F.R. Part 1191 and 49 C.F.R. Part 37 (Nov. 23, 1997).



STATE ACTIONS

California

Clinical Psychologists; Privileges; State Facilities

A new California law authorizes clinical psychologist – licensed psychologists who have a doctorate degree in psychology and two or more years of clinical experience – to obtain medical staff membership and full independent clinical privileges at state-owned and operated health facilities. The law, which bars these facilities from discriminating against clinical psychologists, will allow them, within the scope of their license, to treat hospital patients without being supervised by a psychiatrist. A.B. No. 947 (1998).

DRUG RESISTANT SALMONELLA

The *New England Journal of Medicine* recently reported on the emergence of drug resistant Salmonella infections in the United States. Strains of resistant Salmonella have become a world-wide health problem. Researchers conclude that more prudent use of antimicrobial agents in farm animals along with more aggressive disease prevention programs are necessary. The prevalence of resistant Salmonella underscores the need for increased diligence in food protection efforts. To prevent Salmonella infection, remember to thoroughly cook food and to handle and store in a manner to avoid cross contamination.



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